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Patent n r's D k t N . HES 2001-IP-003024U1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeff Kirsner et al.

Application No: 09 / 929,465

Group No.: 1712

Filed: August 14, 2001

Examiner: Tucker, Phillip C.

For: Blends of Esters With Isomerized Olefins and Other Hydrocarbons As Base Oils  
For Invert Emulsion Oil Muds

Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

☒ with sufficient postage as first class mail.

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Sheila Gibbs

Signature

Date: 11-19-03

Sheila Gibbs

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

**NOTE:** 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,whichever occurs first.

### **STATEMENT OR FEE**

2. Accompanying this transmittal is

(check either A or B below)

- A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).

**OR**

- B. ☒ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$240.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

### FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$240.00).

Fee due \$ 240

### METHOD OF PAYMENT OF FEE

4.

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_
- ☒ Authorization is hereby made to charge the amount of \$ 240
- ☒ to Deposit Account No. 08-0300
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

#### SIGNATURE OF PRACTITIONER

Craig W. Roddy

(type or print name of practitioner)

P.O. Box 1431

P.O. Address

Duncan, OK 73536-0440

Reg. No. 36,256

Tel. No.: (580) 251-3012

Customer No.:



PATENT  
HES 2001-IP-003024U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jeff Kirsner et al.	)	
		)	
		)	Art Unit: 1712
		)	
Serial No.:	09/929,465	)	
		)	
Filed:	August 14, 2001	)	Examiner: Tucker, Phillip C.
		)	
For:	BLEND OF ESTERS WITH ISOMERIZED )		
	OLEFINS AND OTHER HYDROCARBONS)		
	AS BASE OILS FOR INVERT EMULSION )		
	OIL MUDS )		

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

**FOREIGN DOCUMENTS**

International Publication Number WO 02/053676 A1 published July 11, 2002.

International Publication Number WO 02/053675 A1 published July 11, 2002

European Patent Application Number EP 1 111 024 A1 published June 27, 2001.

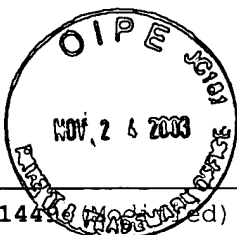
11/28/2003 WABDELRI 00000133 080300 09929465

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Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,

Craig W. Roddy  
Registration No. 36,256  
Halliburton Energy Services  
P. O. Box 1431  
Duncan, OK 73536-0440  
580-251-3012



<b>FORM PTO-1449a (Prescribed)</b>  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2001-IP-003024U1	SERIAL NO. 09/929,465
	APPLICANT Jeff Kirsner et al.	
	FILING DATE August 14, 2001	GROUP 1712

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL	WO 02/053676 A1	07/11/02	PCT	CO9K	7/06	X	
	AM	WO 02/053675 A1	07/11/02	PCT	CO9K	7/06	X	
	AN	EP 1 111 024 A1	06/27/01	Europe	CO9K	7/06	X	
	AO							
	AP							
	AR							
	AS							
	AT							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AU		
	AV		
	AW		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.